



Virginia  
Regulatory  
Town Hall

## Notice of Intended Regulatory Action Agency Background Document

<b>Agency Name:</b>	Department of Health
<b>VAC Chapter Number:</b>	12VAC5-31
<b>Regulation Title:</b>	Virginia Emergency Medical Services Regulations
<b>Action Title:</b>	Regional EMS Council and RSAF Regulations
<b>Date:</b>	November 15, 2002

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

### Purpose

*Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.*

This proposed regulatory action creates regulations for regional EMS council designation by the Board of Health and revises the Rescue Squad Assistance Fund regulations while combining them with all regulations governing EMS in Virginia, i.e., this action would insert the intended provisions into two new parts, Parts 7 and 8, in the newly-adopted chapter on EMS, 12 VAC 5-31, while repealing the current chapter designated 12 VAC 5-40. This action would also repeal 12 VAC 5-60, the State Emergency Medical Services plan, which is, by being in Administrative Code, difficult to update and maintain as a proactive, system-guiding document.

The first section of proposed regulations (which would become Part 7 of Chapter 31) contains designation criteria, standards of performance, requirements to insure accountability of public and matching funds and requirements for regional emergency medical services (EMS) councils. The intent of the regulations is to protect the health, safety and welfare of Virginia citizens by establishing minimum standards for the provision of regional emergency medical services systems throughout the Commonwealth. The intended regulations will consolidate many guidelines and procedures that have historically been separated. Section 32.1-111.11 of Code of

Virginia requires the State Board of Health to promulgate regulations governing regional EMS councils.

This regulatory action, as noted, would repeal Chapter 12 VAC 5-40 and implement revised criteria, standards and requirements for the Rescue Squad Assistance Fund through the addition of Part 8 of Virginia EMS Regulations. The intent of the regulations is to protect the health, safety and welfare of Virginia citizens and to ensure that a quality standard for the provision of emergency medical services exists throughout the Commonwealth by providing financial assistance to Virginia non-profit EMS agencies and organizations to purchase necessary equipment, provide funding for training and recruitment and retention projects. This regulatory action will consolidate many guideline and procedure documents.

### Basis

*Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.*

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The following is a comprehensive summary of Virginia law that authorizes the State Board of Health to adopt regulations addressing regional EMS councils in Virginia:

Section 32.1-111.3 of the Code of Virginia directs that the Board of Health develop a comprehensive, coordinated, emergency medical care system in the Commonwealth . Regional EMS councils are an integral part of the statewide EMS system.

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+32.1-111.3>

Section 32.1-111.11 of the Code of Virginia vests authority for the regulation of regional EMS councils in the State Board of Health. It authorizes the Board to designate regional EMS councils which shall be authorized to receive and disburse public funds. Each regional EMS council is charged with the development and implementation of an efficient and effective regional emergency medical services delivery system. The Code specifically requires the Board to regulate such services by establishing minimum standards for regional EMS councils. It further requires the establishment of a designation process for regional EMS councils.

This regulatory action would establish minimum standards for regional EMS councils. The regulations would include minimum requirements that regional EMS councils must meet and

maintain in order to be designated by the Board. Standardization of regional EMS council services will be addressed to simplify the designation process and ensure equal access to services throughout the Commonwealth. Code establishes requirements for regional council composition, development and implementation of an efficient and effective regional emergency medical services delivery system, regional planning, matching of state monies, accountability for public funds, and performance standards.

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+32.1-111.11>

The following is a comprehensive summary of Virginia law that authorizes the State Board of Health to adopt regulations addressing the provision of emergency medical services in Virginia:

§ 32.1-111.12 of the Code establishes the Virginia Rescue Squad Assistance Fund (RSAF) for the purpose of providing financial assistance to rescue squads and other emergency medical services organizations in the Commonwealth, of providing the requisite training for emergency medical service personnel, and of purchasing equipment needed by such rescue squads and organizations.

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+32.1-111.12>

§ 32.1-111.12:01 Establishes the Financial Assistance and Review Committee (FARC) and member appointments, terms and duties. This section also requires the Board to promulgate regulations to ensure geographical representation on the FARC and for the administration of the fund.

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+32.1-111.12C01>

§ 32.1-111.3 of the Code requires the Board to prepare a Statewide Emergency Medical Services Plan which shall incorporate, but not be limited to, the plans prepared by the regional emergency medical services councils. The plan guides and directs Virginia's EMS system.

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+32.1-111.3>

## Substance

*Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.*

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This proposed regulatory action establishes regional EMS council regulations. It provides for oversight of regional EMS programs through specification of policies and procedures for the services provided to the community, EMS providers, EMS agencies and local governments. Revision and reorganization of previously issued guidance documents would be included to update the administration of regional EMS programs. The minimum prerequisites for regional EMS council services will be defined by regulation.

Regulations are essential to the administration of funds disbursed to the designated regional EMS councils. Approved fiduciary practice is dependent upon the development and publication of an effective regulatory framework. This regulatory action will establish this framework. It will also lead to publicized performance measures statewide which will enable the Board to justify the designation of regional EMS councils based on an applicant's ability to provide specific services to the citizens of the Commonwealth. The existing designated regional EMS councils were originally designated by the Board of Health based primarily on the fact of their prior existence under pre-existing federal programs. A fully developed, publicized process for the designation of regional EMS councils will enable the Board to designate regional EMS councils based on established criteria with specific levels of regional services defined.

The implementation of regulations will allow the Board to evaluate and designate regional EMS councils in a consistent manner while setting specific criteria for services to be provided to the citizens of the Commonwealth. Adoption of these regulations will allow regional EMS councils to identify and address specific emergency medical services needs as part of the Statewide Emergency Medical Services Plan.

This proposed regulatory action also clarifies the regulations governing FARC and RSAF administration. It will incorporate changes in the EMS financial assistance program through consistent application of standards and administration of the grant process. New and revised regulations are essential to provide the continued safe, efficient and quality emergency medical care services to all citizens and visitors of the Commonwealth.

The proposed regulatory action would provide for administration of the Rescue Squad Assistance Fund grant programs through specification of policies and procedures for the qualification for EMS financial assistance to purchase the needed equipment, for the provision of training programs, EMS recruitment and retention projects and other specified initiatives. Revision and reorganization of previously issued guidance documents would be included to update the administration of EMS financial assistance programs.

This regulatory action would delineate the qualifications, responsibilities, and authority of the agency or organization receiving a Rescue Squad Assistance Fund grant award.

This proposed action would also repeal the State Emergency Medical Services Plan that is now in 12 VAC 5-60. EMS is a dynamic field that frequently involves technological advances in medical care. New medical techniques and system funding priorities occur rapidly that demand review and revision of the plan on a frequent basis. By removing the State Emergency Medical Services Plan from Administrative Code, the Board and its advisory components would be allowed to more readily address emergent issues through funding and the establishment of adaptive priorities. Currently, changes to Administrative Code requires a minimum of approximately nineteen months. By repealing the plan, it will enable the Board to address emergent issues in a more timely manner.

## Alternatives

*Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.*

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The Board is in the process of developing proposed regulations for public comment to ensure that they embody the most appropriate, least burdensome and least intrusive framework for effectively administering the Virginia regional EMS system.

The State Emergency Medical Services Plan is required under § 32.1-111.3 of the Code. It is not required to be in Administrative Code. By repealing 12 VAC 5-60, the Board's ability to plan for and address emergent system needs, such as acts of terrorism or natural disasters, will be enhanced.

These regulations are required under § 32.1-111.11 of the Code. Adoption of the intended regulations will establish minimum standards for regional EMS councils that reflect currently-accepted and effective approaches. Procedures for agency designation and enforcement of the regulations will be developed. Each of these elements are essential components to an EMS system in order to guarantee minimum statewide standards in the Commonwealth. § 32.1-111.11 of the Code directs the State Board of Health to prescribe such regulations.

These regulations are required under § 32.1-111.12 of the Code. Adoption of the intended regulations will establish minimum standards for EMS agency financial assistance and to continue a process that provides financial assistance to qualified applicants.

There are no known alternatives that would better protect the public health and safety of Virginians.

## Family Impact Statement

*Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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The proposed regulations will greatly benefit Virginia's families by ensuring a higher level of emergency medical services state-wide. Developing a comprehensive and coordinated statewide emergency medical services system is essential to reducing death and disability resulting from sudden or serious injury and illness in the Commonwealth. The proposed regulations will greatly benefit Virginia's families by ensuring a higher level of emergency medical services state-wide.